

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

H. STANLEY GASS et al.,

Plaintiffs,

v.

ALBERT F SCHLOTFELDT, et al.,

Defendants.

No. C05 5602RBL

ORDER DENYING
PLAINTIFF'S MOTION
FOR RECUSAL

This matter is before the court on Plaintiff Stanley Gass' Motion for Recusal [Dkt. #19]. Mr. Gass alleges that the court is biased against him as evidenced by its "disparagement, denunciation and condemnation" of Mr. Gass, and its stated admiration for Hon. Robert Bryan, prior to a hearing in another matter, on December 17, 2003. The Motion is not supported by an affidavit, a transcript, or by the facts. The court did not make any "pre-hearing" remarks to Mr. Gass on that occasion, nor does it do so to any litigant.

Pursuant to 28 U.S.C. § 455(a), a judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned. The judge shall also disqualify himself in circumstances where the judge has a personal bias or prejudice concerning a party or personal knowledge of disputed evidentiary facts concerning the proceeding. 28 U.S.C. § 455(a)-(b)(1).

There is no factual basis for concluding that this court's impartiality might reasonably be questioned in this matter. Therefore, it is Ordered that the undersigned Judge DECLINES to recuse voluntarily.

Mr. Gass' Motion for Recusal [Dkt. # 19] is REFERRED to Chief Judge Robert Lasnik under

1 Local Rule GR 8(c) for decision.
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3 DATED this 23rd day of February, 2006

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5 RONALD B. LEIGHTON
6 UNITED STATES DISTRICT JUDGE
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